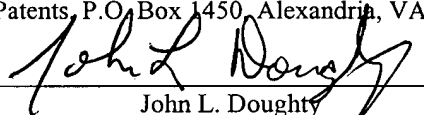


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|             |                         |   |            |        |
|-------------|-------------------------|---|------------|--------|
| Applicant:  | Cloonan                 | ) | Group No.: | 2666   |
|             |                         | ) |            |        |
| Serial No.: | 09/902,121              | ) | Examiner:  | Harper |
|             |                         | ) |            |        |
| Filed:      | 7/10/2001               | ) | Docket:    | 7015   |
|             |                         | ) |            |        |
| Title:      | Congestion Control in a | ) |            |        |
|             | Network Device having a | ) |            |        |
|             | Buffer Circuit          | ) |            |        |
|             |                         | ) |            |        |
|             |                         | ) |            |        |

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for First Class Mail under 37 CFR § 1.8 addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
John L. Doughty

  
Date

**RESPONSE**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

This is responsive to the Office Action mailed May 17, 2005, having a response due by August 17, 2005. Thus, this Amendment is timely filed. The following remarks are respectfully submitted.

**REMARKS**

**Status of the Claims**

In the Office Action, claims 13-15 and 19-22 are noted as pending in the application. Claims 19-22 are allowed. Claims 13 and 14 stand rejected under the judicially created doctrine of obviousness-type double patenting. Claim 15 is objected to as being dependent upon a rejected base claim.